

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

NOT FOR PUBLICATION

James L. Roudabush, Jr.	:	
	:	CIV. ACTION NO. 15-3185(RMB)
Plaintiff,	:	
v.	:	MEMORADUM AND ORDER
	:	
Lt. Bitener et al.,	:	
	:	
Defendants.	:	

RENÉE MARIE BUMB, U.S. District Judge

On August 24, 2015, this Court granted Plaintiff's motion to correct the spelling of a defendant's name but denied Plaintiff's motion to substitute another defendant's name to replace "John Doe." (ECF No. 14.) This matter comes before the Court upon Plaintiff's motion for reconsideration of his motion to substitute defendant's correct name for "John Doe." (ECF No. 32.)

A motion for reconsideration will be granted only when a party demonstrates: "(1) an intervening change in controlling law, (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice." Lazaridis v. Wehmer, 591 F.3d 666, 669 (3d Cir. 2010) (addressing Fed. Rule of Civ. P. 59(e) and

citing N. River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995)).

Plaintiff challenges the Court's conclusion that the proper procedure to substitute the real party in interest for "John Doe" is to file an Amended Complaint. (ECF No. 32 at 2.) Plaintiff is incorrect. See Garvin v. City of Philadelphia, 354 F.3d 215, 220 (3d Cir. 2003) (citing Varlack v. SWC Caribbean Inc., 550 F.2d 171, 174 (3d Cir. 1977)). Plaintiff should understand that the Court did not decide that Plaintiff could not substitute the real party in interest for "John Doe" in this matter, but that the proper procedure for doing so is for Plaintiff to file an Amended Complaint rather than a motion to correct the defendant's name. Therefore, the Court will deny Plaintiff's motion for reconsideration.

IT IS on this 30th day of September 2015,

ORDERED that Plaintiff's Motion for Reconsideration (ECF No. 32) is DENIED; and it is further

ORDERED that the Clerk of Court shall send a copy of this Memorandum and Order to Plaintiff by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE